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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION
11

12
13 GEORGINA HENSON

14
15 Plaintiff,

16 vs.

17 CAMELLIA CARRIERS, and DOES 1
18 through 20, inclusive,

19 Defendants.
20

CASE NO.: 08 3757 JCS

**ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASE
SHOULD BE RELATED
PURSUANT TO CIVIL L.R. 7-11**

21 **1. PRIOR ACTIONS**
22

23 A Longshoreman's complaint for Damages pursuant to the Longshore and
24 Harbors Workers' Compensation Act, 33 U.S.C § 901 et seq., on behalf of the
25 plaintiff, GEORGINA HENSON, was filed in the California Superior Court, County
26 of Alameda, Case No. RG 08376724, against Defendant MITSUI O.S.K. LINES,
27 LTD, et al. on March 14, 2008.
28

1 On May 8, 2008, A Notice of Removal of Action under 28 U.S.C. § 1441 (b)
2 (Diversity) was filed by defendant MITSUI O.S.K. LINES, LTD., incorporated in
3 Japan, with a principal place of business in Tokyo, Japan. The action was transferred
4 to the Northern District.

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6 On or about May 13, 2008, counsel for MITSUI O.S.K. LINES, LTD filed an
7 Answer with Magistrate Judge James Larson, who had been assigned the case.
8 Defendants' answer, *inter alia*, alleged as a Third Affirmative Defense that the MOL
9 EXPLORER, the vessel upon which plaintiff was injured, was owned by Camellia
10 Carriers which had time chartered the vessel to MITSUI O.S.K. LINES, LTD., for a
11 period of fifteen years. Under Maritime law, the vessel owner, Carrellia Carriers
12 retained control over management and navigation of the vessel, and absent an
13 agreement to the contrary, the time charterer assumes no liability for negligence.
14 Based upon these facts, plaintiff and defendant filed a Notice of Voluntary Dismissal
15 with the District Court on or about July 21, 2008.

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17 **2. FILING OF RELATED ACTION, LOCAL RULE 3-12; 7-11.**
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19 On August 6th, 2008, an action was again filed in the matter of GEORGINA
20 HENSON v. CAMELLIA CARRIERS CV 08 3757, JCS, and the case was assigned
21 to Magistrate Judge Joseph C. Spero. This action is related to substantially the same
22 transaction or event and therefore plaintiff is required to file an Administrative
23 Motion to Consider Whether Cases Should be Related and either assigned to
24 Magistrate Judges Larson or Spero pursuant to Civil L.R. 7-11. The only known
25 party to be served with this Administrative Motion is the Defendant Camellia
26 Carriers.

27 ///

28 ///

1 DATED: August 13, 2008

BANNING MICKLOW & BULL LLP

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3 By Eugene A. Brodsky
4 Edward M. Bull III
5 Eugene A. Brodsky

6 Attorneys for Plaintiff
7 Georgina Henson
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DECLARATION OF SERVICE

CASE NAME: *Henson v. Camellia Carriers,*
CASE NO.: 08-3757 JCS

I, the undersigned, am a citizen of the United States, over 18 years of age, and not a party to the within entitled action; I am employed at and my business address is, One Market, Steuart Tower, Suite 1440, San Francisco, California. On this date I served the following document(s):

**ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASE SHOULD BE RELATED
PURSUANT TO CIVIL L.R. 7-11**

on the parties stated below, through their attorneys of record, by placing true copies thereof in sealed envelopes addressed as shown below by the following means of service:

EMARD DANOFF PORT TAMULSKI & PAETZOLD LLP
Andrew I. Port
Katharine Essick Snaveley
49 Stevenson Street, Suite 400
San Francisco, CA 94105
Attorneys for Defendant MITSUI O.S. K. LINES, LTD


X : **By First Class Mail** - I caused each such envelope, with first-class postage thereon fully prepaid, to be deposited in a recognized place of deposit of the U.S. mail in San Francisco, California, for collection to the office of the addressee following ordinary business practices.

 : **By Personal Service** - I personally caused delivery of each such envelope to the office of the addressee.

 : **By Overnight Courier** - I caused each such envelope to be given to an overnight mail service at San Francisco, California, to be hand delivered to the office of the addressee on the next business day.

 : **Facsimile** - (Only where permitted. Must consult CCP §1012.5 and California Rules of Court 2001-2011. Also consult FRCP Rule 5(e). Not currently authorized in N.D. CA)

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 14, 2008, at San Francisco, California.


Jean Culver